

Handwritten signature and date: 28/1/2025

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IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2(1) OF THE SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNALS ACT 74 OF 1996 (REPUBLIC OF SOUTH AFRICA)

BEFORE THE HONOURABLE JUSTICE MAKHOBA

CASE NO: KN/04/2021


Order granted electronically *via* Microsoft Teams.

In the matter between:

SPECIAL INVESTIGATING UNIT

and

BHOMELELA GENERAL TRADING ENTERPRISE (PTY) LTD

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	SPECIAL TRIBUNAL 101 AMANDA AVENUE & RIFLE RANGE ROAD, OAKDEN	Issuing Office: <i>[Signature]</i> Name: <i>[Name]</i>
2025 -01- 29		C/A No: One
		REGISTRAR

APPLICANT

FIRST RESPONDENT

MEC FOR THE DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL

SECOND RESPONDENT

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge

or his/her Secretary. The date of this Order is deemed to be the date that is submitted electronically to the parties.

DRAFT ORDER

It is ordered that:

1. The decision of the Second Respondent to award the Request for Quotation described as *“Supply and Delivery of Hand Sanitizing, Wipes, Face Towels and Soaps – Delivery to Ulundi- Pietermaritzburg”* dated 27 March 2020 with order number A000942 to the Second Respondent, is unlawful and irregular.

2. The appointment of the First Respondent by the Second Respondent for award of the contract in respect of purchase order number A0749303 is declared to be invalid and set aside.

3. The First Respondent is hereby directed to pay the Special Investigating Unit an amount of an amount of R129 000.00 inclusive of VAT;

4. That the First Respondent shall be liable for payment of interest on the aforesaid amount at the rate of 7 % per annum if payment is not made after 7 (seven) days have elapsed from the date of this order and for any consequent payments thereafter until the total amount is paid;

5. The payment referred to in prayer 2 above is to be made directly into the Trust Account of the Special Investigating Unit:

Bank : First National Bank

Branch Code: East London

Branch: 210121

Account No: 62003348499

Reference: GUM478NSD3

6. The First Respondent is directed to pay the Applicant's taxed or agreed party and party costs on the High Court Scale, such costs to include; the costs of briefing counsel, consultations with counsel, opinions, advice and drafting of application papers.

7. In the event that costs are not agreed:-

7.1 the Applicant shall serve a Notice of Taxation on the First Respondent; and

7.2 the Applicant shall allow the First Respondent to make payment within 7 (seven) days of being served with the taxed costs.

For the Applicant:

Ms S Zondi, State Attorney Pretoria

Counsel: Adv R . Athmaram

